

I – 7. Amendment to the SWALCO Intergovernmental Agreement

BACKGROUND: The intergovernmental agreement forming SWALCO was approved in 1990 and has been amended twice since then. In accordance with Section 11 of the Agreement, all members of the Agency must approve the proposed amendment for it to be effective.

I believe there are two issues that need to be addressed that would require amending the Agreement. These issues are:

1. Section 8.9 of the Agreement and Article IV, Section 1 of the By-Laws address the composition of the Executive Committee (see attached excerpts from both documents). Of the nine members on the Committee, three members must be from members with a population of more than 30,000. The By-Laws further state that one of those three members shall be Lake County, which leaves two open seats. In the past there were only two members that met the population criterion – Waukegan and Highland Park. Now we have up to three more members that could qualify – Gurnee, Mundelein, and North Chicago. Our current Agreement or By-Laws do not directly address how to select the two other members who have 30,000 or more people when we have more than two such members. We have several options to address this: 1) expand the size of the Committee to include all members with 30,000 or more people, 2) appoint the two members with the highest population counts based on federal census data, or 3) open the seats up to an nomination/election process and select two from the list of nominated/interested members. There may be other options as well that the members may suggest.
2. Section 8.2 of the Agreement (see attached excerpt) addresses the appointment of Directors and Alternates to the SWALCO Board of Directors. A Director must be either the Mayor or Village President; a trustee, council member, alderman or commissioner (an elected board member in essence); or the chief administrative officer of the member (this I believe has been interpreted to mean the Village/City Manager). At some point during my predecessor's term, a fourth category was deemed acceptable – chief administrative officer responsible for solid waste matters. This fourth category was never included in the Agreement, yet we now have over 20 Directors or Alternates who meet the fourth category, but not the three in the Agreement. Typically these people are assistant village managers, public works directors, village clerks or some other employee of the member. I believe we need to make our practice consistent with our Agreement, and further clarify what is meant by the "chief administrative officer for solid waste matters".

My goal is to discuss this at both the Executive Committee meeting and the June 2009 Board of Directors meeting and get feedback from the members on both issues. I will then attempt to develop new language (with Larry Clark's assistance) that reflects that feedback and present it to both the Executive Committee and the Board of Directors for final approval. After that each member must pass an ordinance accepting the amendment in order for it to be effective.

ENCLOSED DOCUMENTS: Excerpts from the Intergovernmental Agreement and the By-Laws.

STAFF: Walter Willis, Executive Director



SOLID WASTE AGENCY
OF LAKE COUNTY, IL

AGREEMENT
ESTABLISHING THE
SOLID WASTE AGENCY
OF
LAKE COUNTY, ILLINOIS
(SWALCO)

Approved JULY 1, 1990
Amended AUGUST 27, 1992
Amended JUNE 26, 1997

(w) To adopt By-Laws to govern the function and operation of the Agency;

(x) To review and, from time-to-time, prepare and recommend amendments to the Plan in furtherance of the Agency's responsibilities pursuant to this Agreement and applicable provisions of State law, as delegated by the County of Lake; and

(y) To make grants of money and render technical assistance to any Member or other party relative to matters of solid waste disposal.

7.2 The Agency shall have no taxing power.

7.3 Upon request from the Agency, each Member shall formally consider the exercise of its power of eminent domain to obtain property, easements, rights-of-way or other interests in property within such Member's Jurisdiction which are necessary for, and consistent with, the implementation of the Plan adopted by each such Member and the purposes of the Agency. Should such Member favorably consider exercising said eminent domain power, the Agency shall be responsible for paying such Member for its costs and expenses incurred in the performance of its obligations pursuant to the terms hereunder, including any required payments to the owner(s) of such property, easements, rights-of-way, or other property interest.

Section 8. Governance

8.1 The Agency shall be governed and administered as provided in this Section and in the By-Laws, adopted pursuant to, and subject to the limitations of, this Agreement.

* 8.2 The governing body of the Agency shall be the Board of Directors. There shall be one Director for each Member, who shall be appointed by vote of the corporate authorities of the Member and who at the time of appointment

shall be: (i) the Mayor or President of a Member (if such Member is a municipality) or the Chairman of the Board (if such Member is the County); (ii) a Trustee, Councilperson, or Alderman (if such Member is a municipality) or a Board Member (if such Member is the County); or (iii) the chief administrative officer of the Member. The term of each initial Director shall begin when he or she is appointed and shall continue until April 30, 1993 or until his or her successor is appointed, whichever is earlier. Thereafter, all Directors shall be appointed for two-year terms expiring on April 30 of odd numbered years. Except as provided in paragraph 8.4, a person serving as a Director shall serve until his or her term expires, and thereafter until his or her respective successor is appointed. Each Director shall have one vote on the Board of Directors.

8.3 Any Member may appoint one or more persons to serve as the Alternate Director. Any such appointee shall meet the qualifications for office as a Director established in paragraph 8.2. The Alternate Director may attend any meeting of the Board of Directors and may vote as the Director in the absence of the Director from that Member or if there is a vacancy in the position of Director from that Member. The term of an Alternate Director shall be the same as the term of the Director from the appointing Member. Except as provided in paragraph 8.4, a person serving as Alternate Director shall serve until his or her term expires and thereafter until the successor is appointed.

8.4 All appointments of Directors and Alternate Directors shall be by ordinance or resolution of the corporate authorities of the appointing Member, a certified copy of which shall be filed with the Secretary of the Agency. Should any Director or Alternate Director cease to serve as the President, Mayor, Chairman, elected member of the corporate authorities or chief administrative officer of the appointing member, that person shall simultaneously

8.7 Except as a greater majority is otherwise provided in this Agreement or the By-laws, actions required by law or by this Agreement to be taken by the Board of Directors shall be taken by an affirmative vote of a majority of the then Directors.

8.8 Upon the written request of any Director, any matter with respect to the Agency shall be placed on the agenda of the Board of Directors.

* 8.9 There is established an Executive Committee of the Agency. The Executive Committee shall consist of seven (7) Directors if the Agency is composed of twenty (20) Members or less and nine (9) Directors if the Agency is composed of twenty-one (21) Members or more. The Executive Committee shall be selected by vote of the Board of Directors of the Agency. If the Executive Committee consists of seven (7) Directors, the persons appointed to the Executive Committee shall include two (2) persons who are Directors from Members having a population of more than 30,000 persons, provided that there are two (2) Members having such population. ~~If the Executive Committee consists of nine (9) Directors, the persons appointed to the Executive Committee shall include three (3) persons who are Members having a population of more than 30,000 persons, provided that there are three Members having such population.~~ Population shall be determined on the basis of the most recent federal census or, if available, a more recent corrected, revised, or special federal census as reported in Illinois Counties and Municipalities, dated June 1, 1989 and published by the Secretary of State of the State of Illinois. The terms of office of members of the Executive Committee shall be established in the By-laws. With the consent of the Member, a specified Alternate Director for that Member may be elected to the Executive Committee on behalf of that Member. The Executive Committee, by an affirmative vote of a majority of the then Committee members, may take any action with respect to the Agency which the

Solid Waste Agency
of
Lake County, Illinois

BY-LAWS

Amended and Approved

December, 1993

May, 1997

June 1997

August 25, 2005

receipts from the Treasurer of Lake County and shall additionally perform those duties prescribed by the Agreement Establishing the Solid Waste Agency of Lake County.

SECTION 9. Liability for Loss of Deposits

No officer of the Agency shall be liable for any loss of the money deposited in an approved depository which loss occurs by reason of any failure or default of the depository, as long as all deposits were made in accordance with state law.

ARTICLE IV

EXECUTIVE COMMITTEE

SECTION 1. Members and Powers

The Executive Committee shall be comprised of nine (9) Directors (or Alternate Directors) as provided in the Agreement and shall exercise those powers as specified in the Agreement and the By-Laws. If any member of the Executive Committee ceases to serve as the President, Mayor, Chairman, elected member of the corporate authorities or chief administrative officer of the Member jurisdiction which appointed such person, becomes incapacitated or is otherwise removed as a member of the Executive Committee by the Board of Directors that seat on the Executive Committee shall be vacant until a successor is appointed by the Board of Directors. (See Section 8.9 of the Agreement for further treatment of the Executive Committee.)

- * (i) The three Directors, including one Director from Lake County and two Directors from Members having a population of more than 30,000, shall serve two-year terms with the initial

term ending May 2006.

(ii) The terms of the remaining six (6) Members of the Executive Committee shall expire on the third Thursday of April, 1994 and they shall serve until the end of their respective terms for the Executive Committee and thereafter until their respective successors are elected. Three (3) Directors shall serve terms of one (1) year, beginning with their election in 1994. Subsequent terms for these three (3) seats shall be for two (2) years, beginning with their election in 1994.

Subsequent terms for these three (3) seats shall be for two (2) years. The initial terms of these remaining six (6) Directors shall be chosen by lot.

SECTION 2. Voting

Votes on the Executive Committee may be cast only by the members of the Committee in attendance at its meetings, the members of the Committee may vote by electronic means if his/her presence meets all requirements of the Illinois Open Meetings Act (5 ILCS 120 *eq seq*). No proxy voting shall be permitted.

SECTION 3. Officers of the Executive Committee

The Executive Committee shall elect from among its members a Chairman and Vice Chairman of the Executive Committee. Such officers shall serve until the end of their term and thereafter until their respective successors are elected. The term of office for those positions shall be two years. The term of the first persons elected as such officers shall expire on the third

I – 8. Legislative Update

BACKGROUND: This year SWALCO worked hard on two primary pieces of legislation - SB 99 and SB 125. Both bills have been passed by the General Assembly and are awaiting action by the Governor. I have sent letters to the Governor asking for his support on both bills. We had significant support from our legislative delegation on SB 125 which was a SWALCO initiative. Sen. Link was the chief senate sponsor and Rep. May was the chief sponsor in the house along with co-sponsors Rep. Beaubien, Rep. Osmond, Rep. Sullivan, and Rep. Ryg. SWALCO appreciates their support.

SB 99 encourages the composting of food scraps by excluding such sites from the State's siting process, leaving them to be regulated by local zoning requirements. Composting sites accepting food scraps and/or livestock waste must obtain new permits under the State's 807 permitting rules and will be inspected by the Lake County Health Department. SWALCO staff is looking into a potential pilot project with a composting site in Lake County and have been informed that DCEO will be issuing a new grant round (using funds from the federal stimulus bill) under which a food scrap composting project could be eligible.

SB 125 encourages the development of construction and demolition (C&D) debris recycling facilities in Lake County by excluding such sites from the State's siting law and again leaving them to be regulated by local zoning. C&D recycling sites in Lake County will be required to obtain a permit from the IEPA and will be inspected by the Lake County Health Department. I will be recommending at the next meeting that SWALCO hire a consultant to develop regulations for such facilities that can be incorporated into local zoning ordinances. These "zoning regulations" for C&D recycling facilities will be sent to SWALCO's members and SWALCO will provide technical assistance to any member who is approached regarding the development of such a facility within its borders.

I anticipate that next year will be a busy year as well and that we will need to continue to fund our lobbyist to actively push legislation for us again as we did this year. Mr. Kolkmeier did an excellent job this year. His most recent legislative update is attached.

ENCLOSED DOCUMENTS: Legislative Update, Dated 6/01/09

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Legislative Update Memo

06/01/09

SWALCO

Walter,

This memorandum contains only the bills that passed both chambers of the General Assembly. All other bills we have been tracking are presumed dead at this point. Congratulations on the passage of both SB 99 and SB 125. You should prepare and send a letter to the Governor asking for his signature on both bills. You should also copy the legislative sponsors on those letters. Please also copy me and I will start lobbying the Governor's office as well. Thanks.

Kip

BILL: HB 266
TITLE: RECYCLING-WOOD COMBUSTION
COMMENT: Neutral
HOUSE SPONSOR:

Rep. William Davis and Michael W. Tryon

SENATE SPONSOR:

(Sen. James T. Meeks-Linda Holmes-Emil Jones III)

SUMMARY:

Amends the Environmental Protection Act. Specifies that the term "recyclable general construction debris" includes clean wood that is segregated from general construction or demolition debris and that is processed for use as fuel. Amends the Illinois Solid Waste Management Act. Provides that "recycling" includes "the combustion of wood or biomass fuel for energy recovery". Specifies that "the combustion of wood or other biomass fuel for energy recovery shall not be considered 'recycling' for grant or incentive programs administered by the Department." Imposes conditions on rulemaking authority. Effective immediately.

House Committee Amendment No. 1

Deletes everything after the enacting clause. Amends the Environmental Protection Act. In a Section concerning the duties of an owner or operator of a facility accepting exclusively construction or demolition debris, inserts provisions that (i) specify that recovered wood that is processed for use as fuel must be sorted within 48 hours, (ii) specify that all non-recyclable general construction or demolition debris that is neither recyclable general construction or demolition debris nor recovered wood that is processed for use as fuel must be transported off site for disposal, (iii) require the transport of certain materials within 45 days after their receipt by the facility. Defines "recovered wood that is processed for use as fuel" and "non-recyclable general construction or demolition debris". Makes other changes. Effective immediately.

STATUS: 5/15/2009HousePassed Both Houses

BILL: HB 658
TITLE: EPA--PHARMACEUTICAL TASK FORCE
COMMENT: NEUTRAL
HOUSE SPONSOR:

Rep. Paul D. Froehlich-Patricia R. Bellock-Karen May

SENATE SPONSOR:

(Sen. Susan Garrett-Don Harmon)

SUMMARY:

Amends the Environmental Protection Act. Creates the Task Force on Pharmaceuticals and Personal Care Products and Other Emerging Contaminants in Drinking Water. Provides for the appointment of Task Force members by the Director. Provides that the Task Force must initially focus on evaluating pharmaceuticals and personal care products and other emerging contaminants. Specifies certain data that the Task Force must evaluate. Provides that the Task Force must submit its findings, along with recommendations for legislation, to the General Assembly by December 31, 2010. Repeals the Section creating the Task Force on July 1, 2011. Effective immediately.

House Committee Amendment No. 1

Replaces everything after the enacting clause. Creates the Medication Education Disposal Solutions (MEDS) collaborative for the purpose of encouraging the environmentally responsible disposal of pharmaceuticals. Requires the Agency and MEDS to focus on the development of an organization that will, among other things, provide information regarding best practices for the disposal of pharmaceuticals. Requires the MEDS collaborative to submit a report on its program development activities by December 31, 2010. Repealed July 1, 2011. Effective immediately.

STATUS: 5/19/2009HousePassed Both Houses

BILL: HB 789
TITLE: EPA-DUMPING-STRUCTURE/PROPERTY
HOUSE SPONSOR:

Rep. Robert Rita-William Davis

SENATE SPONSOR:

(Sen. Emil Jones III-Don Harmon-Toi W. Hutchinson-M. Maggie Crotty-Kimberly A.

SUMMARY:

Amends the Environmental Protection Act. Provides that the open dumping cleanup program includes removal actions with respect to structures or vacant properties condemned by units of local government. Effective immediately.

House Committee Amendment No. 1

Replaces everything after the enacting clause. Amends the Public Utilities Act. Provides that beginning in February 1999 and through January 2013 (rather than January 2009), each qualified solid waste energy facility that sells electricity to an electric utility at the purchase rate described in specified provisions shall file with the Department of Revenue on or before the 15th of each month a form, prescribed by the Department of Revenue, that states the number of kilowatt hours of electricity for which payment was received at that purchase rate from electric utilities in Illinois during the immediately preceding month. Provides that Beginning on July 1, 2006 through January 31, 2013 (rather than January 31, 2009), each month the State Treasurer shall certify the following to the State Comptroller specified information. Provides that the State Treasurer, without appropriation, must make distributions immediately after January 15, April 15, July 15, and October 15 of each year, up to maximum aggregate distributions of \$500,000 for the distributions made in the 4 quarters beginning with the April distribution and ending with the January distribution, from the Municipal Economic Development Fund to each city, village, or incorporated town located within Cook county that has approved construction within its boundaries of an incinerator that will burn recovered wood processed for fuel to generate electricity and will commence operation after 2009 (rather than (1) uses or, on the effective date of Public Act 90-813, used municipal waste as its primary fuel to generate electricity; (2) was determined by the Illinois Commerce Commission to qualify as a qualified solid waste energy facility prior to the effective date of Public Act 89-448; and (3) commenced operation prior to January 1, 1998). Provides that the distributions may also be used for cleanup of open dumping from vacant properties and the removal of structures condemned by the city, village, or incorporated town. Effective immediately.

STATUS: 5/19/2009HousePassed Both Houses

BILL: HB 2429
TITLE: COMPACT FLUORESCENT LIGHTING
COMMENT: NEUTRAL
HOUSE SPONSOR:

Rep. Karen May-Elizabeth Coulson-Sara Feigenholtz-Patricia R. Bellock-Keith

SENATE SPONSOR:

(Sen. Mattie Hunter-Don Harmon-Linda Holmes)

SUMMARY:

Amends the Mercury-added Product Prohibition Act. Provides that, by January 1, 2010, the Agency shall adopt rules requiring each manufacturer of mercury-containing compact fluorescent lamps and mercury-containing compact fluorescent bulbs to display certain information on the packaging of those products. Requires the Agency to compile and publish on its website a report providing certain information about mercury-containing compact fluorescent lighting sold or distributed in the State. Requires the Agency, by January 1, 2010, to publish on its website information regarding the safe and proper disposal of mercury-containing compact fluorescent lighting. Effective immediately.

House Committee Amendment No. 1

Deletes everything after the enacting clause. Requires the Agency to create an Internet Web site containing certain information about compact fluorescent lighting by October 1,

2009. Requires the Agency to collaborate with certain entities to inform consumers about the proper disposal of compact fluorescent lighting. Requires the Department of Central Management Services, in collaboration with the Department of Commerce and Economic Opportunity and the Agency, to review and revise procurement specifications for lamps and ballasts purchased by the State.

STATUS: 5/19/2009HousePassed Both Houses

BILL: HB 4021

TITLE: EPA-SOIL GAS, GROUNDWATER

HOUSE SPONSOR:

Rep. Frank J. Mautino

SENATE SPONSOR:

(Sen. Susan Garrett-Emil Jones III)

SUMMARY:

Amends the Environmental Protection Act. Requires the Environmental Protection Agency to evaluate the release of contaminants if it determines that the extent of soil, soil gas, or groundwater contamination may extend beyond the boundary of the site where the release occurred (now, only if "soil or groundwater contamination may extend beyond the boundary of the site where the release occurred"). Requires the Environmental Protection Agency to notify the owner of the contaminated property if soil contamination beyond the boundary of the site where the release occurred, soil gas contamination beyond the boundary of the site where the release occurred, or both pose a threat of exposure to the public above the appropriate Tier 1 remediation objectives (now, the owner of the contaminated property must be contacted only about "soil contamination beyond the boundary of the site where the release occurred"). Defines "soil gas". Effective immediately.

Senate Floor Amendment No. 2

Deletes everything after the enacting clause. Reinserts the provisions of the engrossed bill with the following changes. Amends the Environmental Protection Act. Requires the owners and operators of community water systems to maintain certain documents and to make those documents available to the Agency for inspection during normal business hours. Provides that the Agency shall provide public notice within 2 days after it refers a matter for enforcement under Section 43 or issues a seal order under subsection (a) of Section 34. Provides that the Agency must provide notice to the owners and operators of the community water system within 5 days after taking one of these actions. Provides that within 5 days after receiving that notice, the owner or operator of the community water system must send a copy of the notice to all residents and owners of premises connected to the community water system. Provides for the indirect notification of institutional residents. Requires the owner or operator of the community water system to provide the Agency with proof that the notices have been sent. Sets forth similar notice requirements that must be complied with when groundwater contamination poses a threat of exposure to the public above the Class I groundwater quality standards. Creates a civil penalty for violations of these notice requirements. Makes it a felony to make certain false, fictitious, or fraudulent statements. Effective immediately.

STATUS: 5/30/2009HousePassed Both Houses

BILL: SB 99

TITLE: EPA-COMPOSTING FACILITIES

COMMENT: SUPPORT

HOUSE SPONSOR:

Rep. Sandra M. Pihos-Renée Kosel

SENATE SPONSOR:

Sen. Heather Steans-Pamela J. Althoff-James F. Clayborne, Jr.-John M. Sullivan,

SUMMARY:

Amends the Environmental Protection Act. Redefines the term "compost" to mean compostable material that has, by composting, decomposed to the degree that it will not, when subjected to optimal thermal conditions and optimal levels of oxygen, moisture, and nutrients, reheat significantly due to the action of microorganisms, and that is also suitable (i) for use as a soil conditioner, (ii) for use as a cover material for a municipal solid waste landfill, or (iii) for another use approved by the Agency (now, the humus-like product of the process of composting waste, which may be used as a soil conditioner). Redefines the term "composting" to mean the decomposition of compostable material into compost by a biological process that produces carbon dioxide and water as primary by-products (now, the biological treatment process by which microorganisms decompose the organic fraction of waste, producing compost). Excludes food scrap from the definition of the term "garbage". Exempts certain types of facilities, sites, portions of facilities, and portions of sites from regulation as pollution control facilities. Defines "compostable material" and "food scrap". Effective immediately.

Senate Floor Amendment No. 2

Deletes everything after the enacting clause. Reinserts the bill as introduced with changes. Further amends the Environmental Protection Act. Deletes the definitions of the terms "compost", "compostable material", "composting", and "garbage". Replaces the definition of the term "food scrap". Redefines "organic waste" to include, among other things, food scrap (now, "food waste"), livestock waste, crop residue, and paper waste. Provides that the term "pollution control facility" does not include the portion of a site or facility (i) that is used for the composting of food scrap, livestock waste, crop residue, uncontaminated wood waste, or paper waste, including, but not limited to, corrugated paper or cardboard, and (ii) that meets a list of specified requirements (some of which are contained in the introduced bill). Specifies the type of notice that an applicant must give before the Agency may issue the applicant a permit to construct or develop a composting facility. Replaces a provision that required the Agency to develop and make recommendations to the Board concerning (i) performance standards for organic waste compost facilities and (ii) testing procedures and standards for the end-product compost produced by organic waste compost facilities with a provision that authorizes the Agency to draft those standards. Provides that, except as otherwise provided in Board rules, solid waste permits for organic waste compost facilities shall be issued under the Board's Solid Waste Rules at 35 Ill. Adm. Code 807. Requires permits to include, but not to be limited to, measures designed to reduce pathogens in the compost.

STATUS: 5/19/2009SenatePassed Both Houses

BILL: SB 125

TITLE: EPA--DEBRIS--POPULATION REQ.

COMMENT: SUPPORT

HOUSE SPONSOR:

Rep. Sandra M. Pihos-Renée Kosel

SENATE SPONSOR:

Sen. Terry Link-Pamela J. Althoff

SUMMARY:

Amends the Environmental Protection Act. Excludes the portion of a site or facility accepting exclusively general construction debris, located in a county with a population over 500,000 (now, 700,000) from regulation as a pollution control facility. Effective immediately.

Senate Committee Amendment No. 1

Further amends the Environmental Protection Act. Provides that a facility located in a county with a population over 700,000 as of January 1, 2000, operated and located in accordance with Section 22.38 of this Act, and used exclusively for the transfer, storage, or treatment of general construction or demolition debris does not need a permit if "the facility was receiving construction or demolition debris on the effective date of this amendatory Act of the 96th General Assembly" (now, there is no requirement that the facility

be receiving construction or demolition debris on the effective date of this amendatory Act of the 96th General Assembly). Inserts a provision requiring an owner or operator of a facility accepting exclusively general construction or demolition debris for transfer, storage, or treatment to obtain, on or after the effective date of this amendatory Act of the 96th General Assembly, a permit issued by the Agency prior to the initial acceptance of general construction or demolition debris at the facility.

House Floor Amendment No. 1

Further amends the Environmental Protection Act. Provides that nothing contained in this amendatory Act of the 96th General Assembly shall remove any liability for any operation, site, or facility operating without any required legal permit or authorization for activities taking place prior to the effective date of this Act. Makes other technical changes.

STATUS: 5/27/2009SenatePassed Both Houses

BILL: SB 178

TITLE: EPA-HOUSEHOLD WASTE DROP-OFF

COMMENT: SUPPORT

HOUSE SPONSOR:

Rep. Sandra M. Pihos-Renée Kosel

SENATE SPONSOR:

Sen. Susan Garrett-Pamela J. Althoff-Heather Steans-Tim Bivins-Mattie Hunter,

SUMMARY:

Amends the Environmental Protection Act. Requires the Agency, in consultation with the Illinois Department of Public Health, to develop and implement a public information program regarding available drug disposal sites and the proper storage and disposal of drugs. Requires the Agency, in conjunction with the Illinois State Board of Education, to create signs containing information on the proper storage and disposal of drugs and to deliver one of those signs to each pharmacy in the State. Amends the Illinois Pharmacy Act. Requires pharmacies to post the drug disposal signs created and distributed by the Agency.

Senate Committee Amendment No. 2

Deletes everything after the enacting clause. Amends the Environmental Protection Act. Authorizes, but does not require, the Agency to adopt regulations governing the operation of household waste drop-off points. Sets minimum requirements that apply to each household waste drop-off point. Authorizes, but does not require, the Agency to approve the operation of one-day household waste collection events. Sets minimum requirements that must be met for the Agency to approve a one-day household waste collection event. Provides that a permit is not required for the operation of either a household waste drop-off point or a one-day household waste collection event if certain requirements are met. Replaces a provision that required the Agency to deliver to pharmacies a sign containing certain information with a provision that authorizes the Agency to make a sign containing that information available for downloading from its website.

Senate Floor Amendment No. 3

Deletes everything after the enacting clause. Reinserts the provisions of Senate Amendment No. 2 with the following changes. Makes changes to the legislative findings. Defines "controlled substances". Provides that the term "pharmaceutical products" does not include a controlled substance. Inserts a provision which specifies that prescription pharmaceutical product drop-off points must be located at a site or facility where prescription pharmaceutical products are sold, distributed, or dispensed. Deletes a provision that required the Agency to consult with the Illinois Board of Education when developing an informational sign. Removes a provision which prohibited the Agency from requiring a hospital or nursing home to maintain a drop-off point. Effective immediately.

Senate Floor Amendment No. 4

Inserts a provision which provides that if an entity chooses to participate as a household waste drop-off point, then it must follow the provisions of the Section concerning household waste drop-off points and any rules the Agency may adopt governing household waste drop-off points.

STATUS: 5/7/2009SenatePassed Both Houses

BILL: SB 1932
TITLE: SOLID WASTE--USE OF COMPOST
COMMENT: SUPPORT
SENATE SPONSOR:
Sen. A. J. Wilhelmi

SUMMARY:
Amends the Illinois Solid Waste Management Act. Requires all State agencies to use, to the maximum extent feasible, compost materials in all land maintenance activities that are to be paid for with public funds (now, State agencies must only "give due consideration and preference to the use" of those materials). Effective immediately.

STATUS: 5/20/2009SenatePassed Both Houses

BILL: SB 2034
TITLE: EPA--WASTE--USE DETERMINATIONS
COMMENT: NEUTRAL
SENATE SPONSOR:
Sen. Susan Garrett

SUMMARY:
Amends the Environmental Protection Act. Authorizes the Environmental Protection Agency ("the Agency") to make written determinations that certain materials that would otherwise be required to be managed as waste may be managed as non-waste if those materials are used beneficially and in a manner that is protective of human health and the environment. Requires applicants for beneficial use determinations to demonstrate that (i) the chemical and physical properties of the material are comparable to similar commercially available materials, (ii) the market demand for the material meets certain requirements, (iii) the material is legitimately beneficially used, (iv) the management and use of the material will not cause, threaten, or allow the release of any contaminant into the environment, except as authorized by law, and (v) the management and use of the material otherwise protects human health and safety and the environment. Authorizes applicants to seek review of the Agency's written decisions to disapprove of an application for a determination or to approve of it with conditions. Requires determinations to be effective for a period approved by the Agency, but that period may not exceed 5 years. Authorizes certain materials to maintain their non-waste status after the effective period of the determination under certain conditions. Prohibits recipients of a determination from managing or using the material that is the subject of the determination in violation of the determination or any conditions imposed by it, unless the material is managed as waste. Makes this Section inapplicable to certain types of materials. Defines "commercially available material" and "commercially available product". Effective immediately.

STATUS: 5/18/2009SenatePassed Both Houses

BILL: SB 2103
TITLE: EPA-USED TIRE CITATIONS
COMMENT: NEUTRAL
SENATE SPONSOR:
Sen. Mattie Hunter

SUMMARY:

Amends the Environmental Protection Act. Authorizes the Environmental Protection Agency to issue an administrative citation and impose a civil penalty if any person (i) causes or allows water to accumulate in used tires, (ii) fails to collect the new or used tire fee as required by Section 55.8, (iii) fails to file a State tax return listing, among other things, the number of tires sold at retail during the past calendar year as required by Section 55.10, or (iv) transports used or waste tires in violation of the registration and vehicle placarding requirements adopted by the Pollution Control Board. Effective immediately.

House Floor Amendment No. 1

Provides that the prohibition against causing or allowing water to accumulate in used or waste tires does not apply to used or waste tires located at a residential household, as long as not more than 12 used or waste tires are located at the site.

STATUS: 5/29/2009SenatePassed Both Houses

BILL: HR 296

TITLE: COMPACT FLUORESCENT LIGHTING

HOUSE SPONSOR:

Rep. Karen May

SUMMARY:

Urges the U.S. Environmental Protection Agency to work with compact fluorescent lamp manufacturers, retailers, utilities, and state and local governments to expand opportunities to recycle compact fluorescent lamps. Urges the Federal Trade Commission to strengthen its labeling requirements for compact fluorescent lamp packaging.

STATUS: 5/30/2009HouseResolution Adopted 116-001-000

I – 9. Status of the 2009 Plan Update

BACKGROUND: The Citizens Advisory Committee (CAC) has worked very hard this past winter and spring to develop a set of recommendations for the SWALCO Executive Committee and Board of Directors to review. The CAC met January 28, 2009, February 25, 2009, April 29, 2009 and May 27, 2009. One last meeting is scheduled for August 26, 2009 when the full text of the draft 2009 Plan Update will be presented to the CAC members for their final review, comment and approval.

In an effort to keep the SWALCO Executive Committee and Board of Directors updated on the plan update process I have attached a document comparing the existing 2004 Plan Update recommendations with those developed and approved to date (keep in mind the CAC will not complete its work until August) by the CAC. I will also be sending this document to the Lake County Public Works and Transportation Committee to keep them updated on the planning process as well.

ENCLOSED DOCUMENTS: Comparison of the 2004 Plan Update Recommendations vs. the Draft 2009 Plan Update Recommendations of the CAC

STAFF: Walter Willis, Executive Director

Comparison of the 2004 Plan Update Recommendations vs. The Draft 2009 Plan Update Recommendations of the Citizens Advisory Committee

June 10, 2009

The recommendations shown first and in regular font are from the 2004 Plan Update. Those shown in italics are the recommendations developed and approved by the Citizens Advisory Committee (CAC) over a series of four meetings held in January, February, April and May 2009. The areas highlighted in yellow indicate significant changes that were recommended by the CAC.

Public Information and Education

- P.1 Identify new and support ongoing activities of SWALCO's public information and education programs to encourage waste reduction, reuse, recycling and recovery (buying recycled products) through SWALCO's websites and other publications, as well as community organizations such as PTA/PTO's, park districts and church groups.
- P.1 *Identify new and support ongoing activities of SWALCO's public information and education programs to encourage waste reduction, reuse, recycling and recovery/re-buy (buying recycled products) and sustainability practices through SWALCO's websites and other publications, as well as community organizations such as PTA/PTO's, park districts, libraries, church, corporate and other community groups. The importance of buying recycled products should be emphasized when possible as this creates markets for additional materials and diverts these materials from final disposal.*
- P.2 Continue to provide in-house marketing support to help publicize SWALCO technical programs, such as the household chemical waste collections and recycling programs.
- P.2 *Continue to provide in-house marketing support to help publicize SWALCO technical programs, such as the household chemical waste collections and recycling programs. Identify new marketing opportunities or avenues.*
- P.3 Continue to encourage SWALCO members to design, evaluate and distribute information for residents regarding various solid waste management issues, and to inform SWALCO of waste-related activities within their communities.
- P.3 *Continue to encourage SWALCO members to design, evaluate and distribute information for residents regarding various solid waste management issues, and to inform SWALCO of waste-related and environmental activities within their communities. Assist member communities in their efforts by acting as a resource and providing information and educational assistance. Support community events and local organizations by attending local events and/or providing materials regarding SWALCO's various programs and other environmental initiatives.*

- P.4 *Ask and encourage SWALCO members to advertise SWALCO events and programs on their websites, community newsletters, e-list bulletin announcements as well as other technologies and approaches to help provide information to their residents. Request that members provide a point of contact for assisting SWALCO's Public Information Officer and that this point of contact information be kept up-to-date. Note: This is a new recommendation of the CAC which was not in the 2004 Plan Update.*
- P.5 Develop partnerships with the business community, waste haulers, institutions, service and professional organizations, and governmental entities to expand the outreach potential for focused educational efforts. Note: This was recommendation P.4 in the 2004 Plan Update.
- P.5 *Develop partnerships with the business community, waste haulers, institutions, service and professional organizations, and governmental entities to expand the outreach potential for focused educational efforts.*
- P.6 Continue to support and evaluate school education outreach efforts that meet Illinois Learning Standards, such as the Lake County Earth Flag Program, the Earth Flag Every Day supplemental program, the educational website, subsidized performances by environmental educators, and in-class presentations. Note: This was recommendation P.5 in the 2004 Plan Update.
- P.6 *Continue to support and evaluate school education outreach efforts that meet Illinois Learning Standards, such as the Lake County Earth Flag Program, the Earth Flag Everyday supplemental program, the educational website, subsidized performances by environmental educators, and in-class presentations.*
- P.7 Identify and utilize applicable public and school education resources to develop customized activities for Lake County. Note: This was recommendation P.6 in the 2004 Plan Update.
- P.7 *Identify and utilize applicable public and school education resources to develop customized activities for Lake County.*
- P.8 Develop a communication plan for SWALCO that encompasses branding, advertising and other promotional efforts, and evaluate it on a yearly basis. Note: This was recommendation P.7 in the 2004 Plan Update.
- P.8 *Continue to evaluate the communication efforts (e.g., SWALCO branding, advertising and other promotional efforts) to determine their effectiveness, and evaluate the communication efforts on a yearly basis. Consider new communication techniques and continue to build relationships within Lake County to assist in reaching education and outreach goals.*
- P.9 Continue to embrace and incorporate new information technologies in SWALCO's promotional efforts (e.g., websites, email services, etc.). Note: This was recommendation P.8 in the 2004 Plan Update.
- P.9 *Continue to embrace and incorporate new information technologies in SWALCO's promotional efforts (e.g., websites, email services, etc.).*

- P.10 Continue to support the EduCycle Center in Grayslake through grants, staff support and possible expansion efforts. Note: This was recommendation P.9 in the 2004 Plan Update.
- P.10 Continue to collaborate with the EduCycle Center in Grayslake, as well as other related organizations.*
- P.11 Investigate opportunities for public outreach at special events (e.g. Lake County Fair). Note: This was recommendation P.10 in the 2004 Plan Update.
- P.11 Investigate opportunities for public outreach at special events (e.g. Lake County Fair). Participate in member community events such as Community Days, Open Houses and other special events.*
- P.12 Establish crisis communication procedures so that SWALCO is viewed as a credible point of contact during emergency events and interruptions of service (e.g. garbage strikes, post-tornado debris management). Note: This was recommendation P.11 in the 2004 Plan Update.
- P.12 Act as a resource and provide technical assistance during emergency events and interruptions of service (e.g. floods, garbage strikes, post-tornado debris management).*
- P.13 Develop and continue to update guidelines for proper separation of landscape waste for composting and recyclables for recycling, targeted at residential households. The goal is to reduce the contaminants that must be managed by compost facilities and recycling centers. Note: This is a new recommendation of the CAC which was not in the 2004 Plan Update.*

Recycling

- R.1 Maintain and expand collection of data on recycling activity in Lake County. Identify significant recycling data points that reflect changes in recycling activity in Lake County and develop programming that fosters increased diversion of recyclable materials.
- R.1 Maintain and expand collection of data on recycling activity in Lake County. Identify significant recycling data points that reflect changes in recycling activity in Lake County and develop programming that fosters increased diversion of recyclable materials.*
- R.2 Continue to expand recycling programs to achieve a 50% recycling goal for all subsequent years.
- R.2 Continue to expand recycling programs to achieve a 55% recycling goal by 2014.*
- R.3 Continue to support area recyclers in activities that expand their capabilities of diverting marketable materials from landfills when feasible.
- R.3 Continue to support area recyclers in activities that expand their capabilities of diverting marketable materials from landfills when feasible.*

- R.4 Assist the County with modifications to its Recycling Ordinance requiring all waste haulers operating within Lake County to offer volume based pricing for residential refuse collection services and make recycling available to all residential, multi-family and commercial customers.
- R.4 *Continue to maintain and enforce the Lake County Solid Waste Hauling and Recycling Ordinance and if necessary, recommend changes be made to the Ordinance by the Lake County Board.*
- R.5 Encourage all SWALCO members to establish volume based pricing and utilize a full cost accounting model in their analysis of waste costs.
- R.5 *Encourage all SWALCO members and Lake County townships to establish volume based pricing as an option.*
- R.6 Encourage all SWALCO members to implement cart-based recycling programs within their residential areas.
- R.6 *Encourage all SWALCO members and Lake County townships to implement cart-based recycling programs within their residential areas.*
- R.7 Assist SWALCO members in franchising commercial refuse service as a means to reduce costs and increase recycling.
- R.7 *Assist SWALCO members and Lake County townships in franchising residential, multi-family and/or commercial collection services as a means to control costs, increase recycling, reduce the amount of greenhouse gases associated with collection services, and enhance community sustainability efforts.*
- R.8 Continue to encourage all SWALCO members to adopt the model commercial and multi-family refuse and recycling enclosure ordinance.
- R.8 *Continue to encourage all SWALCO members to adopt the model commercial and multi-family refuse and recycling enclosure ordinance.*
- R.9 *Identify and assist SWALCO members whose residential, commercial and/or multi-family recycling programs are underperforming or can be further optimized; conduct program evaluations and develop recommendations for improving programs. This may require SWALCO's Recycling Coordinator and Public Information Officer working together to enhance the recycling program and the marketing of the program. Note: This is a new recommendation of the CAC which was not in the 2004 Plan Update.*

- R.10 Participate in the EPA Waste Wise Program and encourage commercial and industrial establishments, institutions, governmental agencies, and other non-residential entities to participate in source reduction activities.
- R.10 *Participate in the EPA Waste Wise Program and encourage commercial and industrial establishments, institutions, governmental agencies, and other non-residential entities to participate in source reduction activities.*
- R.11 Depending on availability of funds and agency priorities, continue to further the development of source reduction programs, compost bin distributions and residential electronics collections along with commercial and multi-family pilot programs.
- R.11 *Depending on availability of funds and agency priorities, continue to further the development of source reduction programs, special event and public area recycling programs, plastic bag recycling programs, compost bin distributions and residential electronics collections.*
- R.12 Continue to maintain the MRF contract with Recycle America Alliance to assure that sufficient capacity is available to SWALCO members along with assuring that SWALCO members that direct material to the facility do not incur processing charges.
- R.12 *Continue to maintain a Capacity Agreement with a qualified recycling firm (currently Waste Management Recycle America L.L.C.) to assure that sufficient capacity is available to SWALCO members, and that SWALCO members and Lake County townships that direct material to the facility are eligible to receive a Per Ton Payment for their recyclables per the terms of the existing Intermediate Processing Facility Capacity Agreement (effective January 1, 2009 for a three year term with two, 2-year renewals).*
- R.13 Encourage SWALCO members to direct their hauler to deliver their communities recyclable material to the Recycle America Alliance MRF, or to another MRF where SWALCO has secured processing capacity, to avoid cost for processing.
- R.13 *Encourage SWALCO members and Lake County townships to enter into a Per Ton Payment Intergovernmental Agreement with SWALCO in order to be eligible to receive payment (Per Ton Payment) for their recyclables per the terms of the existing Capacity Agreement.*
- R.14 Acquire capacity in C&D processing facilities in Lake County.
- R.15 Pursue implementation of a C&D processing facility to provide processing capacity for SWALCO members.

The CAC recommended deleting this recommendation and replacing it with R.14 below.

The CAC recommended deleting this recommendation and replacing it with R.14 below.

- R. 14 *Encourage the development of general construction or demolition (C&D) debris recycling facilities as permitted by Section 22.38 of the Illinois Environmental Protection Act. If legislation is enacted to allow general C&D debris recycling facilities to be located in Lake County, without first obtaining local siting approval in accordance with Section 39.2 of the Illinois Environmental Protection Act, SWALCO will develop zoning guidelines for such facilities that address the location, design, operation and closure of such facilities. These guidelines will be prepared in a timely fashion and sent to all SWALCO members for their consideration, with the recommendation from SWALCO that the guidelines be included in each member's zoning ordinance. Any proposed general C&D debris recycling facility must enter into Host Community Benefit Agreements with SWALCO and the governing body with jurisdiction over the proposed facility prior to filing a siting application or zoning application, whichever is applicable. The Host Community Benefit Agreements with SWALCO and the governing body must, at a minimum, contain provisions for: 1) a guarantee of access to capacity at the facility for general C&D material generated in Lake County, 2) environmental safeguards, and 3) payment of host fees.*
- R.9 Encourage SWALCO members to adopt a model C&D recycling ordinance that would require the implementation of a recycling program at new construction sites within their communities.
- R.15 *Encourage SWALCO members to adopt a model C&D recycling ordinance that would require the implementation of a recycling program at new construction and/or demolition sites within their communities.*
- R.16 Designate the C&D processing facility as an official component of SWALCO's waste disposal system and encourage all members to utilize the C&D processing facility for C&D projects within their municipal boundaries.
- The CAC recommended deleting this recommendation.*
- R.17 Explore the development of programs to reduce residential and commercial organic waste (such as yardwaste and food waste).
- R.16 *Encourage the development of programs to increase the collection and composting of residential and commercial organic material (such as landscape waste, food scrap and livestock waste).*
- R.17 *Evaluate recent increases in landscape waste collection and composting costs, and determine if SWALCO needs to take any action to better control and/or reduce the costs associated with both collecting and managing the material. Note: This is a new recommendation of the CAC which was not in the 2004 Plan Update.*

Household Chemical Waste Management

H.1 Continue operating a permanent Household Chemical Waste Collection Program, and raise or eliminate the financial cap from the IEPA.

H.1 Continue operating a Household Chemical Waste Collection Program consisting of both public drop-off and mobile collection events operating on a year round basis.

H.2 Renew the existing Intergovernmental Agreement with the Illinois Environmental Protection Agency when its term expires (April 3, 2012). Explore modifying the Agreement to allow for SWALCO to assume ownership of the waste oil entering the Program and encourage the IEPA to use more sustainable disposal methods for certain wastes streams (i.e. latex paint). Note: This is a new recommendation of the CAC which was not in the 2004 Plan Update.

H.2 Determine the feasibility of permitting the Household Chemical Waste Storage facility for use as a public drop-off location to supplement one-day collection events.

The CAC recommended deleting this recommendation.

H.3 Support and expand oil collection and Partner for Paint programs (i.e., Lake Zurich oil collection center, Ela Township Highway Dept. paint program).

H.3 Encourage and support SWALCO members in the establishment of supplemental HCW programs such as waste oil collection programs (i.e. Lake Zurich and Lake Barrington Programs), Partner for Paint programs (i.e., Ela Township Highway Dept. Program) and fluorescent lamp collection centers (i.e. Highland Park and Riverwoods Programs).

H.4 Continue the corncob distribution program (for latex paint solidification) and seek new distribution points to be accompanied by in-store advertising and point-of-purchase displays.

The CAC recommended deleting this recommendation.

H.4 Focus on efforts to reduce the volume of latex paint coming into the HCW Program by working more closely with existing latex paint recycling firms/programs such as Earth Paints Collection Systems and the Ela Township Highway Dept. Program. Note: This is a new recommendation of the CAC which was not in the 2004 Plan Update.

H.5 Explore options and expand programs for used tire management (such as the use of tire chips for road bedding or alternative daily cover at a landfill) and consider the possibility of cosponsoring collections through the IEPA tire collection program.

H.5 Provide funding for periodic tire collection events. Conduct these events in affiliation with the IEPA tire collection program and cosponsor with the Lake County Farm Bureau. Sponsor these events on even calendar years (2010, 2012, and 2014).

- H.6 Obtain a list of Conditionally Exempt Small Quantity Generators (CESQGs), such as automotive care centers, beauty salons, etc. from the Health Department and investigate options on how to assist them with hazardous materials management.
- H.6 *Consider modifying the IEPA Agreement to allow servicing of Conditionally Exempt Small Quantity Generators (CESQG's) through our HCW Program as a potential revenue source. Strive to develop a database of CESQG's including a waste stream analysis (types/volumes of waste), and evaluate the interest of a third party company leasing space at SWALCO's HCW facility to manage the wastes collected from CESQG's.*
- H.7 Compile a listing of Lake County school districts and assist them, to the extent possible, with their chemical waste disposal needs. Identify environmental contractors and disposal programs such as the IEPA laboratory waste collection program.
- H.7 *Maintain a listing of environmental contractors and disposal programs (i.e. IEPA's laboratory waste collection program) to use as a referral for business, institutions and school districts.*
- H.8 Consider the feasibility and implications of conducting one-day collection events in other northern Illinois counties.
- H.8 *Consider offering SWALCO's assistance in conducting one-day collection events for neighboring Illinois counties as another potential revenue source.*
- H.9 Explore feasibility of adding additional HCW satellite collection points at existing facilities (e.g. fire stations).
- H.9 *Consider establishing one or more additional HCW satellite collection center(s) (e.g. fire station) within the next five years taking into consideration the results of the Lincolnshire-Riverwoods Fire District HCW satellite collection center.*

Note: The 2004 Plan Update contained two sets of recommendations regarding disposal of waste – Landfilling and Emerging Technologies – and these are listed below.

Landfilling

- L.1 Maintain contracts with the sanitary landfills serving Lake County to provide for privately-owned-and-operated landfill disposal capacity.
- L.2 Implement source reduction, reuse, recycling, and composting programs to reduce dependence on landfilling.
- L.3 The design, operation, and monitoring of public or private landfills under contract to SWALCO should, at a minimum, comply with the most current RCRA Subtitle D regulations and other regulations adopted by the State of Illinois.
- L.4 The siting criteria that appear in Section 7.0 of the 1989 Plan should serve as guidelines for selecting areas most suitable for solid waste management facility siting.
- L.5 Encourage landfill owners to design and implement landfill technologies such as leachate recirculation systems to extend life expectancy, reduce long term toxicity and conserve resources when possible and environmentally appropriate.
- L.6 Acquire additional landfill capacity for Lake County to meet waste disposal needs for a twenty (20) year period.

Emerging Technologies

- E.1 Monitor and evaluate emerging technologies that appear to be effective on a waste stream which is similar in quantity and composition to SWALCO's waste stream.

Note: The CAC is recommending a significant change to the disposal recommendations for the 2009 Plan Update, which are presented below.

Mass Burn Incineration

- M.1 *With less than ten years of permitted landfill capacity in Lake County, mass burn incineration (defined as the direct combustion of waste in a chamber using oxygen and heat, this is distinct from the technologies discussed in the Alternative Technologies Recommendations which do not directly burn the waste) should be considered as a local and sustainable solution to managing Lake County's waste. If the proposed mass burn incineration facility meets the applicable requirements of the Lake County Solid Waste Management Plan (Recommendations M.2 and M.3) it will be considered consistent with the Plan.*

- M.2 SWALCO and the siting authority (the unit of local government with siting jurisdiction in accordance with Section 39.2 of the Illinois Environmental Protection Act) will continue using the three guidelines that were outlined in the 1989 Plan for evaluating mass burn incineration technology. These guidelines are: utilize proven technology; minimize emissions; and avoid large economic risks. SWALCO's and the siting authority's determination on whether the proposed facility is consistent with the Lake County Solid Waste Management Plan will be based, in part, on the applicant addressing the following questions in the plan consistency (siting criterion number 8 of Section 39.2 of the Act) portion of the siting application:
- **Facility Requirements** – What type of facilities are required as part of the technology? How many facilities are needed and of what size, including both site acreage and disposal capacity (in tons per day)?
 - **Siting** – What are the facility siting requirements? Does a suitable site exist within the County?
 - **Economics** – What are the capital, operation, and maintenance costs associated with the technology? What are the probable revenues and life cycle costs? What are the estimated tipping fees per ton and how do the estimated fees compare to current tipping fees for disposal of Lake County waste?
 - **Technical Feasibility** – Is the technology proven for a portion or all of the waste generated for disposal in Lake County? Can it provide reliable long-term management of the targeted waste stream?
 - **Ability to Implement** – Can the technology be successfully engineered? What are the potential obstacles to implementation and how will these obstacles be addressed? Can it be implemented in time to serve its intended purpose?
 - **Environmental Impacts** – What are the environmental impacts of the technology on the air, water, and land of Lake County and its surrounding neighbors? Do the air, land and water pollution control technologies proposed at the facility meet the most stringent standards under applicable state of Illinois and/or federal law?
 - **Permitting** – What federal, state and/or local permits will be necessary for the facility to be developed and operated?
 - **Safety Issues** – What safety concerns for the worker and general public are associated with the facility and can they be adequately addressed?
 - **Health Risk Assessment** – What are the health risks and benefits associated with the technology?
 - **Financing** – How will the facility be financed and can financing be arranged?
 - **Life Cycle Environmental Assessment** – What are the life cycle environmental impacts of the proposed disposal technology compared to the current disposal system in Lake County, using the following life cycle parameters – net annual energy consumption, sulfur oxides emissions, nitrogen oxides emissions and carbon dioxide emissions?
- M.3 Any proposed mass burn incineration facility must meet the requirements of Recommendation A.1 (Host Community Benefit Agreements).

Landfilling

- L.1 Maintain existing contracts and/or negotiate new contract provisions with the three sanitary landfills serving Lake County (Countryside Landfill, Pheasant Run Landfill and Zion Landfill) to

provide for privately-owned-and-operated landfill disposal capacity for Lake County's waste requiring disposal. Such capacity guarantee should provide capacity for a portion of Lake County's waste for as long as the landfill has permitted capacity and remains an open site per the appropriate state regulations. SWALCO will consider expanding the list of landfills deemed to be serving Lake County if the owner of the landfill proposed for inclusion first negotiates a host agreement with SWALCO. The host agreement must provide for a capacity guarantee and payment of a host fee for each ton of Lake County waste taken to the landfill.

- L.2 Continue to implement source reduction, reuse, recycling, and composting programs to reduce dependence on landfiling.
- L.3 If one or both of the two existing landfills in Lake County (Zion Landfill and Countryside Landfill) propose an expansion onto property that is directly adjoining or within 250 feet of an existing portion of the permitted footprint of the landfill (horizontal) and/or on top of (vertical expansion) the existing landfill's permitted airspace, and the proposed expansion meets the requirements of Recommendation A.1, the proposed expansion will be considered consistent with the Plan.
- L.4 With less than ten years of permitted landfill capacity in Lake County, a new landfill would be considered as a local solution to managing Lake County's waste. If the proposed new landfill meets the applicable requirements of the Lake County Solid Waste Management Plan (Recommendations L.5 and L.6) it will be considered consistent with the Plan.
- L.5 SWALCO and the siting authority (the unit of local government with siting jurisdiction in accordance with Section 39.2 of the Illinois Environmental Protection Act) will continue using the three guidelines that were outlined in the 1989 Plan for evaluating landfiling technology. These guidelines are: utilize proven technology; minimize emissions; and avoid large economic risks. SWALCO's and the siting authority's determination on whether the proposed facility is consistent with the Lake County Solid Waste Management Plan will be based, in part, on the applicant addressing the following questions in the plan consistency (siting criterion number 8 of Section 39.2 of the Act) portion of the siting application:
 - **Facility Requirements** - What type of facilities are required as part of the technology? How many facilities are needed and of what size, including both site acreage and disposal capacity (in tons per day)?
 - **Siting** - What are the facility siting requirements? Does a suitable site exist within the County?
 - **Economics** - What are the capital, operation, and maintenance costs associated with the technology? What are the probable revenues and life cycle costs? What are the estimated tipping fees per ton and how do the estimated fees compare to current tipping fees for disposal of Lake County waste?
 - **Technical Feasibility** - Is the technology proven for a portion or all of the waste generated for disposal in Lake County? Can it provide reliable long-term management of the targeted waste stream?
 - **Ability to Implement** - Can the technology be successfully engineered? What are the potential obstacles to implementation and how will these obstacles be addressed? Can it be implemented in time to serve its intended purpose?

- **Environmental Impacts** - What are the environmental impacts of the technology on the air, water, and land of Lake County and its surrounding neighbors? Do the air, land and water pollution control technologies proposed at the facility meet the most stringent standards under applicable state of Illinois and/or federal law?
 - **Permitting** - What federal, state and/or local permits will be necessary for the facility to be developed and operated?
 - **Safety Issues** - What safety concerns for the worker and general public are associated with the facility and can they be adequately addressed?
 - **Health Risk Assessment** - What are the health risks and benefits associated with the technology?
 - **Financing** - How will the facility be financed and can financing be arranged?
 - **Life Cycle Environmental Assessment** - What are the life cycle environmental impacts of the proposed disposal technology compared to the current disposal system in Lake County, using the following life cycle parameters - net annual energy consumption, sulfur oxides emissions, nitrogen oxides emissions and carbon dioxide emissions?
- L.6 Any proposed new landfill facility must meet the requirements of Recommendation A.1 (Host Community Benefit Agreements).
- L.7 Encourage existing and new landfill owners to design and implement landfill technologies such as leachate recirculation systems to extend life expectancy, reduce long term toxicity and conserve resources when possible and environmentally appropriate.
- L.8 Encourage existing and new landfill owners to design and implement landfill gas collection and management systems that capture and utilize the maximum amount of landfill gas for energy recovery as opposed to direct flaring of some or all of the landfill gas.

Solid Waste Transfer

- T.1 Solid waste transfer stations, if developed in accordance with the applicable requirements of the Lake County Solid Waste Management Plan (Recommendations T.2 through T.6), will be considered consistent with the Plan. These recommendations (T.1 through T.6) are not applicable to landscape waste transfer stations or general construction and demolition debris recycling facilities as permitted under Section 22.38 of the Illinois Environmental Protection Act, but are applicable to any transfer station that meets the definition of a pollution control facility under the Act.
- T.2 A transfer station site should be large enough to provide for: a facility large enough to safely and efficiently manage the anticipated volume of waste, adequate buffering and screening, stormwater management, and safe traffic flow. If the site is proposed for additional functions, including but not limited to, vehicle and equipment storage, vehicle maintenance, office space, processing of recyclables, or processing of waste into a fuel it must be demonstrated that the site is large enough for all proposed functions.
- T.3 Transfer station operations - related to the unloading of refuse, recyclables and landscape waste, temporary storage of the materials on the tipping floor, and the loading of transfer trailers - must

be located within a portion of the transfer station that can be completely enclosed. (This does not require the transfer station to keep its incoming and outgoing doors closed during operations unless proximity to a Federal Aviation Administration (FAA) regulated airport requires that doors open and close with the acceptance of waste. This does prohibit the development of a three sided and/or an open top structure as a transfer station in Lake County.) Developers are strongly encouraged to incorporate green/sustainable building principles into the design and operation of the facility and the overall site.

- T.4 Transfer station developers must include in the design and operation of the facility the transfer of recyclables and landscape waste. Transfer station developers are encouraged to evaluate the processing of the solid waste into a renewable fuel that could be transported to off-site markets.
- T.5 SWALCO and the siting authority (the unit of local government with siting jurisdiction in accordance with Section 39.2 of the Illinois Environmental Protection Act) will continue using the three guidelines that were outlined in the 1989 Plan for evaluating transfer station technology. These guidelines are: utilize proven technology; minimize emissions; and avoid large economic risks. SWALCO's and the siting authority's determination on whether the proposed facility is consistent with the Lake County Solid Waste Management Plan will be based, in part, on the applicant addressing the following questions in the plan consistency (siting criterion number 8 of Section 39.2 of the Act) portion of the siting application:
- **Facility Requirements** - What type of facilities are required as part of the technology? How many facilities are needed and of what size, including both site acreage and disposal capacity (in tons per day)?
 - **Siting** - What are the facility siting requirements? Does a suitable site exist within the County?
 - **Economics** - What are the capital, operation, and maintenance costs associated with the technology? What are the probable revenues and life cycle costs? What are the estimated tipping fees per ton and how do the estimated fees compare to current tipping fees for disposal of Lake County waste?
 - **Technical Feasibility** - Is the technology proven for a portion or all of the waste generated for disposal in Lake County? Can it provide reliable long-term management of the targeted waste stream?
 - **Ability to Implement** - Can the technology be successfully engineered? What are the potential obstacles to implementation and how will these obstacles be addressed? Can it be implemented in time to serve its intended purpose?
 - **Environmental Impacts** - What are the environmental impacts of the technology on the air, water, and land of Lake County and its surrounding neighbors? Do the air, land and water pollution control technologies proposed at the facility meet the most stringent standards under applicable state of Illinois and/or federal law?
 - **Permitting** - What federal, state and/or local permits will be necessary for the facility to be developed and operated?
 - **Safety Issues** - What safety concerns for the worker and general public are associated with the facility and can they be adequately addressed?
 - **Health Risk Assessment** - What are the health risks and benefits associated with the technology?
 - **Financing** - How will the facility be financed and can financing be arranged?

- **Life Cycle Environmental Assessment** – What are the life cycle environmental impacts of the proposed disposal technology compared to the current disposal system in Lake County, using the following life cycle parameters – net annual energy consumption, sulfur oxides emissions, nitrogen oxides emissions and carbon dioxide emissions?

T.6 Any proposed transfer station facility must meet the requirements of Recommendation A.1 (Host Community Benefit Agreements).

Alternative Technologies

AT.1 With less than ten years of permitted landfill capacity in Lake County, alternative technologies, which include a variety of technologies that convert waste to an energy through thermal, biological or chemical conversion (not including mass burn incineration), should be considered as a local and sustainable solution to managing Lake County's waste. If the proposed alternative technology facility meets the applicable requirements of the Lake County Solid Waste Management Plan (Recommendations AT.2 and AT.3) it will be considered consistent with the Plan.

AT.2 SWALCO and the siting authority (the unit of local government with siting jurisdiction in accordance with Section 39.2 of the Illinois Environmental Protection Act) will continue using the three guidelines that were outlined in the 1989 Plan for evaluating alternative technologies. These guidelines are: utilize proven technology; minimize emissions; and avoid large economic risks. SWALCO's and the siting authority's determination on whether the proposed facility is consistent with the Lake County Solid Waste Management Plan will be based, in part, on the applicant addressing the following questions in the plan consistency (siting criterion number 8 of Section 39.2 of the Act) portion of the siting application:

- **Facility Requirements** – What type of facilities are required as part of the technology? How many facilities are needed and of what size, including both site acreage and disposal capacity (in tons per day)?
- **Siting** - What are the facility siting requirements? Does a suitable site exist within the County?
- **Economics** -What are the capital, operation, and maintenance costs associated with the technology? What are the probable revenues and life cycle costs? What are the estimated tipping fees per ton and how do the estimated fees compare to current tipping fees for the disposal of Lake County waste?
- **Technical Feasibility** - Is the technology proven for all or a portion of the waste generated for disposal in Lake County? Can it provide reliable long-term management of the targeted waste stream?
- **Ability to Implement** - Can the technology be successfully engineered? What are the potential obstacles to implementation and how will these obstacles be addressed? Can it be implemented in time to serve its intended purpose?
- **Environmental Impacts** - What are the environmental impacts of the technology on the air, water, and land of Lake County and its surrounding neighbors? Do the air, land and water pollution control technologies proposed at the facility meet the most stringent standards under applicable state of Illinois and/or federal law?
- **Permitting** - What federal, state and/or local permits will be necessary for the facility to be developed and operated?

- *Safety Issues* - What safety concerns for the worker and general public are associated with the facility and can they be adequately addressed?
- *Health Risk Assessment* - What are the health risks and benefits associated with the technology?
- *Financing* – How will the facility be financed and can financing be arranged?
- *Life Cycle Environmental Assessment* – What are the life cycle environmental impacts of the proposed disposal technology compared to the current disposal system in Lake County, using the following life cycle parameters – net annual energy consumption, sulfur oxides emissions, nitrogen oxides emissions and carbon dioxide emissions?

AT.3 Any proposed alternative technology facility must meet the requirements of Recommendation A.1 (Host Community Benefit Agreements).

Note: The remaining categories are contained in both the 2004 Plan Update and the 2009 Plan Update presented by the CAC

Organization and Administration

- O.1 Continue the coordinated county wide approach to the management and disposal of all nonhazardous waste generated within the membership of SWALCO, including the management of recyclable and recoverable materials. Place increased emphasis on non-residential waste, including industrial waste and construction and demolition debris.
- O.1 *Continue the coordinated county wide approach to the management and disposal of all nonhazardous waste generated within Lake County, including the management of recyclable and recoverable materials. Place increased emphasis on non-residential waste, including commercial, industrial waste and construction and demolition debris.*
- O.2 SWALCO should continue providing centralized management of the plan implementation process and other municipalities should continue to be permitted to join SWALCO.
- O.2 *SWALCO should continue providing centralized management of the plan implementation process and other municipalities currently not SWALCO members should be encouraged to join SWALCO.*
- O.3 SWALCO members should assume responsibility for: (i) adopting recycling ordinances, (ii) adopting the model refuse collection franchise agreement, (iii) providing administrative and operational funding for SWALCO as determined by SWALCO Board of Directors and (iv) using the waste management and disposal system established by SWALCO.
- O.3 *SWALCO members should assume responsibility for: (i) adopting necessary waste management ordinances, (ii) providing administrative and operational funding for SWALCO as determined by*

SWALCO Board of Directors and (iii) using the waste management and disposal system established by SWALCO.

- O.4 The Board of Directors shall provide for professional staff necessary to undertake all programs to implement the Solid Waste Plan. As programs are altered, it may be necessary to adjust staffing levels to implement program changes.
- O.4 *The Board of Directors shall provide for professional staff and resources necessary to undertake all programs to implement the Solid Waste Plan. As programs are altered, it may be necessary to adjust staffing levels to implement program changes.*
- O.5 Utilize "economic flow control" through the use of market competitive disposal rates to gain indirect control of the waste stream and monitor federal authority to enact legislative flow control.

The CAC recommended deleting this recommendation.

- O.6 Maintain the designation of the Materials Recovery Facility (MRF) as an official component of SWALCO's waste management system and encourage all members to utilize the MRF for recoverables collected within their municipal boundaries; continue to establish and designate other components of the waste management system.
- O.5 *Maintain the designation of one or more Materials Recovery Facility(ies) (MRF) as an official component of SWALCO's waste management system and encourage all members to utilize the MRF or MRFs for recoverables collected within their municipal boundaries; continue to establish and designate other components of the waste management system as appropriate.*
- O.7 Obtain input from the public in the development of solid waste policies, such as from a citizens advisory group.
- O.6 *Obtain input from the public in the development of solid waste policies, such as from a citizens advisory group. Prior to adopting the next update to the Lake County Solid Waste Management Plan establish a new citizens advisory committee (CAC) to help in the preparation of a draft plan update for review by the SWALCO Board of Directors and the Lake County Board.*

Finance and Ownership

- F.1 Monitor operations of the three sanitary landfills currently under agreement with SWALCO for the provision of a given amount of privately-owned-and-operated landfill disposal capacity, secured by public contract to deliver waste. Retain, as a long term option, the public ownership of landfill facilities to meet the disposal needs of Agency members.
- F.1 *Monitor operations of the three sanitary landfills currently under agreement with SWALCO for the provision of a given amount of privately-owned-and-operated landfill disposal capacity, secured by contract/agreement. Retain, as a long term option, the public ownership of recycling,*

composting and/or final disposal facilities to meet the waste/material management needs of Lake County.

- F.2 Examine and where determined appropriate, pursue all reasonably available sources of interim and long-term funding for implementing programs and facilities recommended in the Plan Update.
- F.2 *Examine and where determined appropriate, pursue all reasonably available sources of interim and long-term funding for implementing programs and facilities recommended in the Plan Update.*
- F.3 Apply to the Illinois Department of Commerce and Economic Opportunity Affairs for grants and loans to be used for capital assistance.
- F.3 *SWALCO should monitor and apply to federal, state and private sources for grants and loans to be used for capital assistance when such funding is consistent with the goals of the Plan.*
- F.4 SWALCO members should be encouraged to consider other available sources of assistance grants and funds to finance and operate local recycling projects.
- F.4 *SWALCO members should be encouraged to consider other available sources of assistance grants and funds to finance and operate local recycling projects.*

Legislative Initiatives

- I.1 Utilize the SWALCO Legislative Committee to develop the annual Legislative Policy for approval by the Board of Directors. SWALCO's legislative efforts should be coordinated with Lake County and other entities.
- I.1 *Utilize the SWALCO Legislative Committee to develop an annual Legislative Policy for approval by the Board of Directors. SWALCO's legislative efforts should be coordinated with Lake County and other entities. The Legislative Policy should be consistent with the Lake County Solid Waste Management Plan as updated and amended.*

Host Community Benefit Agreements

A.1 Any pollution control facility must enter into a Host Community Benefit Agreement with the appropriate units of local government.

A.1 *Prior to filing a siting application, pursuant to Section 39.2 of the Illinois Environmental Protection Act, for a new pollution control facility or for an expansion or significant modification to an existing pollution control facility, the applicant shall first enter into Host Community Benefit Agreements with Lake County, SWALCO, and the governing body with jurisdiction over the proposed facility. In addition, the applicant may enter into additional Host Community Benefit Agreements with other appropriate units of local government, as determined by the applicant. In the event the applicant represents an existing pollution control facility with existing Host Community Benefit Agreements, the applicant shall amend each existing Host Community Agreement with each respective party prior to filing the siting application with the governing body.*

The new and/or amended Host Community Benefit Agreements with Lake County and SWALCO must, at a minimum, contain provisions for: 1) a guarantee of access to capacity at the facility for Lake County's unincorporated and incorporated solid waste, 2) environmental safeguards, and 3) payment of host benefit fees.

Note: This language was adopted by the Lake County Board on May 12, 2009.

I – 10. Project and Program Updates

BACKGROUND: The following are updates on several projects and programs we are currently working on:

1. The Village of Lincolnshire has decided to pursue the development of an RFP for a commercial franchise and SWALCO will be assisting with the RFP and contract documents. SWALCO is assisting the Village of Wauconda in conducting a survey of its commercial businesses and the return rate for the survey has been excellent so far. SWALCO is also assisting the 5-town consortium renegotiate an extension to their residential hauling contract with WMI, and continues to work with North Chicago and Zion on the proposed extensions of their residential contracts.
2. The status on the host agreement negotiations is as follows: 1) Veolia and the County Administrator met on April 15th to continue discussions and another meeting has been set for June 19th, 2) Walter met with WMI on April 15th, WMI recently sent a revised draft to SWALCO, which was forwarded to the County Administrator, and Walter and the County Administrator met with WMI on May 29th to begin negotiations, and 3) we are still awaiting feedback from Republic on the draft sent to them on April 1st.
3. Walter and Pete met with the hauling personnel from WMI, Groot and Veolia as part of the plan update process and the data compilation being performed by Shaw Environmental. The hauler survey information was discussed with the goals of making sure we are communicating effectively and providing us with a better understanding of how they are compiling the data. We also provided them with the Curbside Recycling Guidelines.
4. The Lake County Board approved the amendment to the Lake County Solid Waste Management Plan at its meeting on May 12, 2009.
5. Walter sent a letter to all the new mayors elected in SWALCO towns, congratulating them and introducing them to SWALCO. Walter did talk with the Mayor of Waukegan (Robert Sabonjian) on May 13th and sent him information on what has transpired over the past 2 years.
6. The Plastic Bag Task Force's pilot program will be kicking off in June. SWALCO has hired an intern, Wil Christensen, a Lake Forest College student, (whose salary will be paid by the American Chemistry Council) who will assist Pete with implementing the program, tracking it and preparing the final report due to the General Assembly next March.
7. SWALCO last supported a compost bin sale in Lake County in the fall of 2007. Most of those bins have been sold and staff wants feedback from the Board on whether to financially support another compost bin sale in Lake County.
8. Later this month I will be circulating information for my annual employee review which should be completed prior to August. Ideally my review will be held during the July meeting of the Executive Committee.
9. SWALCO has been assisting Lake County on several projects including: 1) assisting with the development of grant application for DOE grants under the Energy Efficiency and Conservation Block Grant, 2) serving on a committee to help prepare the Long Term Strategic Plan, with an emphasis on the goal associated with promoting a sustainable environment.
10. Merleanne will be taking the lead on the Website upgrade RFP. We have obtained information from Deerfield that will be used to draft an RFP in the coming weeks.

11. A lawsuit was recently filed in the United States District Court by approximately 19 Illinois haulers (primarily roll-off/construction debris haulers/recyclers) against 11 municipalities (none in Lake County) regarding these municipalities franchising of roll-off services. SWANCC towns are involved and they are investigating the lawsuit and deciding how best to respond. SWALCO will continue to track this lawsuit not only as it pertains to roll-off franchising but commercial franchising as well. It should be pointed out that several of the towns named in the lawsuit do not franchise roll-off service but do franchise commercial service. It is not clear why the plaintiffs named the towns that do not franchise roll-off services.

STAFF: Walter Willis, Executive Director